

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the	)	
Certification to Conduct Gambling Activities of:	)	NO. CR 2009-01116
	)	
Dominique King	)	<b>FINDINGS, CONCLUSIONS,</b>
Everett, Washington,	)	<b>DECISION, AND FINAL</b>
	)	<b>ORDER IN DEFAULT</b>
Class III Employee.	)	

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THE MATTER of the revocation of the certification to conduct gambling activities of Dominique King having come before the Commission on October 8, 2009, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Dominique King the following certification:<sup>1</sup> Number 69-29196, Authorizing Class III Employee Activity, formerly for the Tulalip Tribe. The certification expires on October 29, 2009, and was issued subject to the Class III Employee's compliance with state gambling laws, rules, and the Tulalip Tribal/State Compact.

II.

On August 19, 2009, Director, Rick Day issued administrative charges to Mr. King by certified and regular mail. The administrative charges notified Mr. King that his failure to respond would result in the entry of a default order revoking his certification. Mr. King did not respond to the charges.

By not responding to the charges, Dominique King waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

- In April 2009, the Class III Employee worked as a Slot Floor Attendant for the Tulalip Tribe.
- The Tulalip Tribal Operations Tip Rate Determination Agreement section 2(A) states, "Front Line Cashiers and Slot Floor Attendants are required to place their tokens<sup>2</sup> in a token box, immediately upon receipt or as soon as possible upon return to the station." Section 2(C) states, "Front Line Cashiers and Slot Floor Attendants shall not commingle Tokens with revenue or banks under their control." The tokens received by Slot Floor Attendants are shared among the attendants.

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<sup>1</sup> The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked card rooms. Class III Employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

<sup>2</sup> Tokens are tips that Floor Slot Attendants receive from customers and are collected for equal distribution among the attendants.

- On April 6, 10, 11, and 12, 2009, the Tulalip Tribal Gaming Agency Agents (TTGA) observed the Class III Employee fail to immediately place tokens he received into the token box and at times he commingled the tokens with his bank or put the token into his pants pocket. The Class III Employee's actions resulted in a loss of money to his co-workers and demonstrate fraud and deceit, in violation of RCW 9.46.190.
- On April 12, 2009, TTGA interviewed the Class III Employee about how he handled the tokens he received. The Class III Employee admitted that when he was busy he would put tokens into his bank and that he took \$50 in tokens that he should have put into the shared token box. Also during the interview, the Class III Employee removed a \$10 bill from his pants pocket that TTGA had observed the Class III Employee receive as a token earlier that day and then place into his pants pocket.
- On April 27, 2009, the Tulalip Tribal Gaming Agency revoked the Class III Employee's Tribal Gaming License. The Final Notice of Revocation issued by the TTGA states that the Class III Employee wrongfully deprived persons of money when he took token money and failed to place it into the token box to be shared with his fellow employees.
- On multiple occasions TTGA observed the Class III Employee, while working as a Slot Floor Attendant, fail to follow the procedures listed in the Tulalip Tribal Operations Tip Rate Determination Agreement. The Class III Employee's actions demonstrate willful disregard for compliance with the gaming regulatory authority.
- The Class III Employee, while working as a Slot Floor Attendant, pursued economic gain in an occupational manner or context which is in violation of the criminal laws of this state and such pursuit creates probable cause to believe that his participation in gambling related activities would be inimical to the proper operation of gambling. Additionally, his conduct demonstrates that he poses a threat to the effective regulation of gaming and increases the likelihood of illegal practices as demonstrated through his actions.
- The Class III Employee's actions and the revocation of his Tulalip Tribal Gaming License establish that he poses a threat to the effective regulation of gaming and has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- Therefore, under Section 5(C)(i), (vi), (viii), (ix), and (x) of the Tulalip Tribe/State Compact, RCW 9.46.075(1), (8), and (10) and WAC 230-03-085(1) and (8), grounds exist to revoke Dominique King's certification.

#### **Section 5(c) of the Tulalip Tribal/State Compact**

The State Gaming Agency may revoke, suspend or deny a State Certification for any reason or reasons it deems to be in the public interest when the certification holder:

(The following subsections apply)

- (i) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW or any rules adopted by the State Gaming Agency, or any provision of a Tribal/State Compact.
- (vi) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the

provisions of this section.

(viii) Has had a Tribal license revoked or denied during the preceding twelve months.

(x) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section occupational manner or context shall be defined as the systematic planning, administration, management or execution of any activity for financial gain.

**RCW 9.46.075 Denying, suspending, or revoking an application, license or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(The following subsections apply)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.153 Applicants and licensees-Responsibilities and duties**

(The following subsection applies)

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

**CONCLUSIONS OF LAW**


The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Dominique King's certification to conduct gambling activities under the authority of RCW 9.46.075, WAC 230-03-085, and the Tulalip Tribal/State Compact.

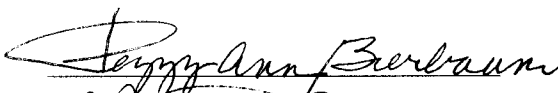
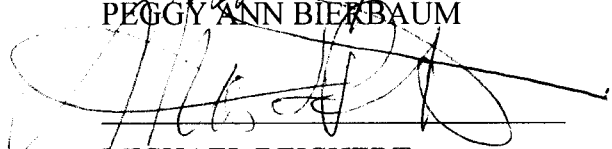
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Dominique King's certification to conduct gambling activities is REVOKED.

DATED this 8th day of October, 2009.

  
KEVEN ROJECKI, Chair

  
JOHN ELLIS, Vice Chair

  
PEGGY ANN BIERBAUM  
  
MICHAEL REICHERT

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MIKE AMOS

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

Motions must be mailed to:

Washington State Gambling Commission  
Communications & Legal Division  
PO Box 42400  
Olympia, Washington 98504-2400

Or delivered in person or via private courier:

Washington State Gambling Commission  
Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503